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Attorneys for Plaintiff(s)
MICHAEL GERVINO
File No. 203109

MICHAEL GERVINO

Plaintiff(s)

v.

SHELL GAS STATION, JOHN DOE I-X
and ABC CORP. I-X,

Defendant(s).

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HON.
CIVIL ACTION NO.:

COMPLAINT AND JURY DEMAND

Plaintiff, **MICHAEL GERVINO** by his attorneys, Dario, Albert, Metz, Eyerman, Canda, Concannon, Ortiz & Krouse, respectfully alleges as follows:

NATURE OF THE CASE

1. This is a civil action for personal injuries suffered by Plaintiff, **MICHAEL GERVINO** against Defendant(s), SHELL GAS STATION. This action arises out of a Slip and Fall resulting in personal injuries that occurred on January 4, 2020 at Defendant, SHELL GAS STATION located at 71285 Airline Highway Kenner, Louisiana. The Defendants' negligence was the sole factor in causing Plaintiffs' injuries.

PARTIES

2. Plaintiff, **MICHAEL GERVINO** was at all times a resident of New Jersey who resides at 469 Hill Street, in the Borough of Maywood, County of Bergen, in the State of New Jersey and was a business invitee at Defendant, SHELL GAS STATION.

3. Defendant(s), SHELL GAS STATION was at all times a commercial business located at 1285 Airline Highway, in the City of Kenner, in the Parish of Jefferson, in the State of Louisiana.

JURISDICTION AND VENUE

4. The jurisdiction in this matter arises under Title 28 of the United States Code, Sections 1332(a) in that the Plaintiff and Defendant are citizens/businesses of different states, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

5. This court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over any and all state constitutional and state claims that are so related to the claims within the original jurisdiction of this Court.

FIRST COUNT **Negligence**

6. On or about December 4, 2019, Plaintiff(s) **MICHAEL GERVINO**, was a lawful business invitee utilizing the premises of 1285 Airline Highway, in the City of Kenner, Parish of Jefferson, in the State of Louisiana, which is owned by, maintained, managed, supervised, and/or controlled by the Defendants, SHELL GAS STATION, JOHN DOE I-X and BC CORP. I-X.

7. The true name or names of the Defendants, JOHN DOE I-X and ABC CORP. I-X, are unknown to the Plaintiff at this time and leave will be sought to insert the name or names when they become known.

8. At the aforesaid time and place, the Defendants, SHELL GAS STATION, JOHN DOE I-X and ABC CORP. I-X., negligently, maintained, operated, supervised, and/or controlled the premises of 1285 Airline Highway so as to create a hazardous condition by failing to take precaution as to the safety and maintenance of said premise, more specifically, wherein the

Defendant failed to clean spilt oil which in turn Plaintiff slipped on causing him severe and permanent personal injuries, in the City of Kenner, Parish of Jefferson, in the State of Louisiana.

9. As a result of the Defendants' unlawful and negligence, Plaintiff, **MICHAEL GERVINO** was caused to suffer serious injuries which caused him great pain and suffering substantially interfering with his daily activities.

10. These injuries have necessitated him to obtain immediate and continuous medical treatment, caused him great pain and suffering, interfered with his employment, and/or education, and daily activities, and left him with recurring disabilities which will in the future cause her additional pain and suffering necessitating future expenses.

11. That as a result of the foregoing, Plaintiff, **MICHAEL GERVINO** was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendant(s), SHELL GAS STATION and/or each of them, without any negligence on the part of the plaintiff contributing thereto.

12. That by reason of the foregoing, Plaintiff, **MICHAEL GERVINO** has been damaged in an amount in excess of the jurisdictional limits of all lower Courts in which this action may otherwise have been brought.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, **MICHAEL GERVINO** demands judgment against Defendants, individually and jointly, as follows:

- A. For compensatory, consequential, and punitive damages and interest;
- B. An award to Plaintiff for his costs, lost wages, disbursements, and attorneys' fees incurred in connection with this litigation; and
- C. Such other relief as may be permitted under applicable law and which this Court deems just and equitable under the circumstances.

JURY REQUEST

The Plaintiff hereby requests a trial by jury as to all issues.

DARIO, ALBERT, METZ, EYERMAN,
CANDA, CONCANNON, ORTIZ & KROUSE
Attorneys for Plaintiff
MICHAEL GERVINO

By: /s/ Ronald A. Dario
RONALD A. DARIO, ESQ.

Dated: January 3, 2022

ATTORNEY'S VERIFICATION

RONALD A. DARIO, Esq., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury;

I am a partner of the firm of Dario, Albert, Metz & Eyerma, LLC, attorneys of record for the Plaintiff. I have read the annexed Complaint and know the contents thereof, and the same are true to my knowledge, except those matters therein which are state to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records and other pertinent information contained in my files.

DARIO, ALBERT, METZ & EYERMAN, LLC
Attorneys for Plaintiff
MICHAEL GERVINO

Dated: January 3, 2022

By: /s/ Ronald A. Dario
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